

Derek W. Loeser (admitted *pro hac vice*)
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900
Fax: (206) 623-3384
dloeser@kellerrohrback.com

Lesley E. Weaver (SBN 191305)
BLEICHMAR FONTI & AULD LLP
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com

Plaintiffs' Co-Lead Counsel

Additional counsel listed on signature page

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**NOTICE IN RESPONSE TO COURT'S
ORDER DENYING MOTION TO
INTERVENE AND INVITING FURTHER
BRIEFING**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor

Plaintiffs make this submission in response to the Court’s Order Denying Motion to Intervene and Inviting Further Briefing (the “Order”), ECF No. 1127.

Plaintiffs have served the Court’s Order on counsel of record in the following lawsuits brought by any state, including lawsuits brought by a local prosecutor or city attorney in the name of the state or its people, which Plaintiffs believe may be based on the conduct at issue in this case:

- *State of New Mexico, ex rel. Hector Balderas, Attorney General v. Facebook, Inc.*, No. D-101-CV-2021-00132 (District Court of Santa Fe County, New Mexico).
- *District of Columbia v. Facebook, Inc.*, Case number: 2018 CA 008715 B (Superior Court for the District of Columbia, Civil Division).
- *People of Illinois ex rel. Kimberly M. Foxx v. Facebook, Inc.*, Case No. 2018 CH 03868 (Circuit Court of Cook County, Illinois).
- *Attorney General v. Facebook, Inc.*, 1984CV0259-BLS-1 (Superior Court of Suffolk County, Massachusetts).
- *People of the State of California ex rel. Attorney General Xavier Becerra v. Facebook, Inc.*, Case No. CPF-19-516916 (Superior Court for the State of California, County of San Francisco).¹

Proofs of service are attached hereto as Appendix A.

The list above is based on Plaintiffs’ good-faith effort to identify relevant lawsuits. Since Facebook is best positioned to identify “any state that currently has a lawsuit against Facebook based on the conduct at issue in this case . . . includ[ing] cases where a local prosecutor or city attorney has brought an action in the name of the state or its people,” Order at 3, Plaintiffs asked Facebook to identify all such litigation and counsel of record for plaintiffs in those cases. The list above, and the proofs of service in Appendix A, reflect all cases identified by Plaintiffs and

¹ It is Plaintiffs’ understanding that the Massachusetts and California actions are not specifically covered by the Court’s Order. Each state brought a petition to enforce compliance with pre-lawsuit investigatory demands. As such, neither is a lawsuit based on the conduct at issue in this case. However, Plaintiffs served the notice required by the Court’s Order on counsel of record for Massachusetts and California out of an abundance of caution because each state’s investigatory demands sought information related to the conduct at issue in this case.

Facebook. Plaintiffs also note that each Attorney General in every state received notice of the settlement pursuant to the Class Action Fairness Act on January 6, 2023, whether or not the state had pending litigation against Facebook based on the conduct at issue in this case.

Dated: March 9, 2023

KELLER ROHRBACK L.L.P.

By: /s/ Derek W. Loeser
Derek W. Loeser

Derek W. Loeser (admitted *pro hac vice*)
Cari Campen Laufenberg (admitted *pro hac vice*)
David Ko (admitted *pro hac vice*)
Adele A. Daniel (admitted *pro hac vice*)
Benjamin Gould (SBN 250630)
Emma M. Wright (admitted *pro hac vice*)
1201 Third Avenue, Suite 3200
Seattle, WA 98101
Tel.: (206) 623-1900
Fax: (206) 623-3384
dloeser@kellerrohrback.com
claufenberg@kellerrohrback.com
dko@kellerrohrback.com
adaniel@kellerrohrback.com
bgoould@kellerrohrback.com
ewright@kellerrohrback.com

Christopher Springer (SBN 291180)
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Tel.: (805) 456-1496
Fax: (805) 456-1497
cspringer@kellerrohrback.com

Eric Fierro (admitted *pro hac vice*)
3101 North Central Avenue, Suite 1400
Phoenix, AZ 85012
Tel: (602) 248-0088
Fax: (602) 248-2822
efierro@kellerrohrback.com

Respectfully submitted,

BLEICHMAR FONTI & AULD LLP

By: /s/ Lesley E. Weaver
Lesley E. Weaver

Lesley E. Weaver (SBN 191305)
Anne K. Davis (SBN 267909)
Matthew S. Melamed (SBN 260272)
Angelica M. Ornelas (SBN 285929)
Joshua D. Samra (SBN 313050)
555 12th Street, Suite 1600
Oakland, CA 94607
Tel.: (415) 445-4003
Fax: (415) 445-4020
lweaver@bfalaw.com
adavis@bfalaw.com
mmelamed@bfalaw.com
aornelas@bfalaw.com
jsamra@bfalaw.com

Plaintiffs' Co-Lead Counsel

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of March, 2023, at Oakland, California.

/s/ Lesley E. Weaver
Lesley E. Weaver